

11-12-04

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Express Mail Label Number: ED419658577US  
Date of Deposit: November 10, 2004

Attorney Docket No. AMX-001CON

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Milton G. Smith  
SERIAL NUMBER: 10/664,255 EXAMINER: Not yet assigned  
FILING DATE: September 17, 2003 ART UNIT: 1615  
FOR: METHOD TO REDUCE FREE RADICAL-MEDIATED TISSUE DAMAGE INDUCED  
BY CAUSTIC GAS EXPOSURE USING AN ANTIOXIDANT COMPOSITION  
Boston, Massachusetts

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**TRANSMITTAL LETTER**

Dear Sir:

Transmitted herewith for filing in the above-referenced patent application are the following documents:

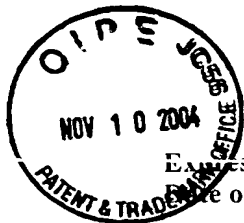
- ☒ Information Disclosure Statement;
- ☒ PTO Form 1449; and
- ☒ Return Postcard

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at telephone (617) 310-6000. No fees are believed to be due. This paper is submitted in duplicate.

Dated: 11/10/04

Respectfully submitted,

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## INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants hereby make of record the documents listed on the attached modified Form PTO-1449 in the above-identified application, copies of which were submitted with the parent application, USSN 07/989,593 on January 17, 2001, December 12, 2000, and October 15, 1993. The order of presentation of the references should not be construed as an indication of the importance of the references.

This Information Disclosure Statement is being filed more than three months after the filing date of this application but before the mailing date of the first Office Action.

- ☐ The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is to be charged to Deposit Account.
- ☐ The Applicant hereby certifies, as specified in 37 C.F.R. §1.97(e), that:  
(Check a or b below)
- ☐ a. Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.
- ☐ b. No item of Information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart for this application or, to the knowledge of the under signed after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.
- ☒ Accordingly, no fee or certification is required. 37 C.F.R. §1.97.

APPLICANTS: Milton G. Smith  
U.S.S.N.: 10/664,255  
INFORMATION DISCLOSURE STATEMENT

It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims, and signs the enclosed form PTO-1449 to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that: (1) a search has been performed, of the extent of any search performed, or that more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information. An early and favorable action is hereby requested.

Dated: \_\_\_\_\_

11/10/04

Respectfully submitted,



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#133597v1



USPTO Form 1449 U.S. Department of Commerce Patent and Trademark Office <b>INFORMATION DISCLOSURE STATEMENT</b>		Attorney Docket No. <b>AMX-001CON</b>		Serial No. <b>10/664,255</b>				
		Applicant(s): <b>Milton G. Smith</b>						
		Filing Date: <b>September 17, 2003</b>		Group: <b>1615</b>				
<b>U.S. PATENT DOCUMENTS</b>								
Examiner Initial		Patent No.	Date	Name	Class	Subclass	Filing Date (if appropriate)	
	A1	5,034,228	July 23, 1991	Meybeck et al.				
<b>FOREIGN PATENT DOCUMENTS</b>								
Examiner Initial		Document No.	Publication Date	Country	Class	Subclass	Translation	
							YES	NO
	B1	EP-A-0 455 386	November, 6, 1991	Europe				
	B2	EP-A-0 391 218	October 10, 1990	Europe				
<b>OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)</b>								
	C1	"Proceeding of a Symposium on Oxidants and Antioxidants: Pathophysiologic Determinants and Therapeutic Agents," <u>The American Journal of Medicine</u> , Vol. 91 (3C), September 30, 1991, title pages, pgs 93-44S, 79-85S, 118-121S and 145S.						
	C2	1991 Vitamin E Abstracts, title page, pgs 89-93 and 117-135.						
	C3	Halliwell, B., and J.M.C. Gutteridge, "Free Radicals in Biology and Medicine," 2 <sup>nd</sup> Edition, 1991, title page, pgs 123-133, 263-266, 284-286 and 416-494.						
	C4	Liposomes, edited by Marc J. Ostro, 1983, title page only.						
	C5	Database WPI Week 8737 Derwent Publications Ltd., London, GB, An 87-259765XP002037755 & JP 62178521A (Terumo Corp), 5 August 1987.						
	C6	Motoyama, "Synergistic Inhibition of Oxidation in Dispersed Phosphatidylcholine Liposomes by a Combination of Vitamin E and Cysteine" <u>Archives of Biochemistry and Biophysics</u> , Vol. 270, No. 2, 1989, pgs 655-661.						
	C7	Free Radicals in Biology and Medicine, 2 <sup>nd</sup> Edition, 1991 (Halliwell & Gutteridge), pgs 422-438.						
	C8	J. Fan, et al., "Liposomal Antioxidants Provide Prolonged Protection Against Acute Respiratory Distress Syndrome" <u>Surgery</u> Vol. 128, No. 2, August 2000, pgs 332-338.						
	C9	W. Stone et al., "Therapeutic Uses of Antioxidant Liposomes" unpublished article.						
EXAMINER					DATE CONSIDERED			
<small>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.</small>								
<small>**Copies of references not provided at the time of this submission.</small>								